REMARKS

Claims 1-20 are pending in the present application.

Claims 1-20 were amended. Reconsideration of the claims is respectfully requested.

A change of correspondence address has been filed relating to this application since the mailing date of the Office Action. The Examiner's assistance is respectfully requested in ensuring that subsequent correspondence related to this application is directed to:

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35 U.S.C. § 102 (Anticipation)

Claims 1-2 and 4-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Davis*. This rejection is respectfully traversed.

A prior art reference anticipates the claimed invention under 35 U.S.C. § 102 only if every element of a claimed invention is identically shown in that single reference, arranged as they are in the claims. MPEP § 2131; *In re Bond*, 910 F.2d 831, 832, 15 U.S.P.Q.2d 1566, 1567 (Fed. Cir. 1990). Anticipation is only shown where each and every limitation of the claimed invention is found in a single prior art reference. MPEP § 2131; *In re Donohue*, 766 F.2d 531, 534, 226 U.S.P.Q. 619, 621 (Fed. Cir. 1985).

Independent claims 1, 10, and 18 each recite that wireless messages for a subscriber are

stored in the database, within a data record associated with the subscriber, regardless of whether the messages are successfully delivered to the paging device for the subscriber. In this manner, wireless messages are available for retrieval and review by the subscriber independent of whether the message was received by the subscriber or missed. Such a feature is not shown or suggested by the cited reference. *Davis* discloses a system for delivering messages in which lengthy messages or messages with attachments are delivered to a special combined pager/cordless telephone transceiver 40 by being queued in temporary message storage, with retrieval triggered by a predetermined page. *Davis* thus teaches storing only messages which have not yet been delivered to the subscriber, and only messages which are lengthy and/or accompanied by attachments.

Claims 2 and 17 each recite that each message is stored in the database after RF transmission of the message to the paging device (regardless of whether RF transmission is successfully received by the paging device). Such a feature is not shown or suggested by the cited reference. *Davis* teaches that only lengthy messages or messages with attachments are stored, and are stored during the course of RF transmission to the pager/cordless telephone transceiver 40, not after RF transmission.

Claims 3, 11 and 19 each recite that only selected fields from stored wireless messages are sent to the subscriber in response to the initial retrieval request. Such a feature is not shown or suggested by the cited reference. *Davis* contains no teaching or suggestion regarding partial retrieval of messages.

Claims 4, 12 and 20 each recite that complete (selected) stored messages are subsequently

sent to the subscriber only in response to a request for the complete stored message for the selected stored messages. Such a feature is not shown or suggested by the cited reference. *Davis* contains no teaching or suggestion regarding complete message retrieval request in addition to (initial) message retrieval requests.

Claims 7 and 15 each recite that response messages to stored messages are stored in association with the stored messages within the data record/database. Such a feature is not shown or suggested by the cited reference. *Davis* contains no teaching or suggestion regarding response messages.

Claims 8 and 16 each recite that, when a stored message has not been successfully delivered to the subscriber's paging device by RF transmission (e.g., the paging device has been turned off or the subscriber has been out of the paging service area) and the subscriber retrieves the stored message, the subscriber may optionally cancel future efforts to deliver the stored message to the paging device by RF transmission. Such a feature is not shown or suggested by the cited reference. *Davis* contains no teaching or suggestion of canceling delivery of a queued message.

Therefore, the rejection of claims 1-2 and 4-20 under 35 U.S.C. § 102 has been overcome.

35 U.S.C. § 103 (Obviousness)

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Davis* in view of *Pepe et al.* This rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262,

23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

As noted above, claim 3 includes feature not shown or suggested by *Davis*: sending only selected fields from stored wireless messages to the subscriber in response to the initial retrieval request. Such a feature is also not shown or suggested by *Pepe et al.*

Therefore, the rejection of claim 3 under 35 U.S.C. § 103 has been overcome.

AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE

Claims 1-20 were amended herein as follows:

1. (amended) For use in a wireless messaging system, a message distribution system capable of allowing a subscriber of [said]the wireless messaging system to review stored wireless messages sent to [said]the subscriber comprising:

an interface to a database coupled to the message distribution system and capable of storing wireless messages directed to the subscriber independent of whether the wireless messages have been delivered to the subscriber;

a first I/O interface capable of receiving, from the subscriber, a message retrieval request [from said subscriber]for messages within the database directed to the subscriber;

a message retrieval controller coupled to [said]the first I/O interface capable of

determining an identity of [said]the subscriber from identification data contained in [said]the message retrieval request,

retrieving a data record associated with [said]the subscriber, [said]the data record containing one or more of [said]the stored wireless messages, and

transferring to [said]the subscriber one or more selected portions of at least one of [said]the stored wireless messages.

2. (amended) The message distribution system set forth in Claim 1[further comprising a], wherein each wireless message directed to the subscriber is stored in the database [coupled to said message distribution system capable of storing said stored wireless messages]after transmission of the wireless message for reception by a paging device for the subscriber, regardless of whether the wireless message was received by the wireless paging device .

3. (amended) The message distribution system set forth in Claim 1 wherein [said]the message distribution system [requires said subscriber to enter a password prior to transferring]initially transfers only one or more selected fields from at least one stored message within the data record to [said]the subscriber [said one or more selected portions of said at least one of said stored wireless messages]in response to the message retrieval request.

4. (amended) The message distribution system set forth in Claim [1]3 wherein [said first I/O interface is capable of receiving a wireless message directed to said subscriber]the message distribution system transfers all of a selected stored message to the subscriber in response to receiving a complete message request from the subscriber requesting all of the selected stored message.

5. (amended) The message distribution system set forth in Claim [4]1, wherein the first I/O interface is capable of receiving a wireless message directed to the subscriber, the message distribution system further comprising a second I/O interface capable of sending [said]the received wireless message to an RF transceiver facility operable to transmit [said]the received wireless message to a paging device of [said]the subscriber.

6. (amended) The message distribution system set forth in Claim [4]5, further comprising an incoming wireless message controller capable of determining an identity of [said]the subscriber from identification data contained in [said]the received wireless message, wherein the message distribution system requires the subscriber to enter a password prior to transferring the one or more selected portions of the at least one stored wireless message to the subscriber.

7. (amended) The message distribution system set forth in Claim 5 wherein [said]the message distribution system is capable of receiving from [said]the RF transceiver facility a response message responsive to a transmission of [said]the received wireless message to [said]the paging device, wherein the response message is stored within the data record in association with the received wireless message.

8. (amended) The message distribution system set forth in Claim [1]5 wherein, when the wireless message received through the first I/O interface has not yet been successfully delivered to the paging device via the RF transceiver facility and at least one or more selected portions of the received wireless message is transmitted to the subscriber in response to the[said] message retrieval request[is received from a public telephone system], the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility.

9. (amended) The message distribution system set forth in Claim 1 wherein [said]the message retrieval request is received from

a public telephone system, or

a data processing system coupled to a wide area data network.

10. (amended) A wireless messaging system comprising:

a plurality of RF transceiver facilities capable of transmitting and receiving wireless messages to and from paging devices used by subscribers of [said]the wireless messaging system;

a database capable of storing wireless messages directed to a subscriber of the wireless messaging system regardless of whether the wireless messages have been delivered to the subscriber; and

a message distribution system coupled to the database and capable of allowing [a] the subscriber of [said]the wireless messaging system to review stored wireless messages previously sent to [said]the subscriber comprising:

a first I/O interface capable of receiving, from the subscriber, a message retrieval request [from said subscriber]for messages within the database directed to the subscriber; and

a message retrieval controller coupled to [said]the first I/O interface capable of determining an identity of [said]the subscriber from identification data contained in [said]the message retrieval request, retrieving a data record associated with [said]the subscriber, [said]the data record containing one or more of [said]the stored wireless messages, and transferring to [said]the subscriber one or more selected portions of at least one of [said]the stored wireless messages[; and

a database coupled to said message distribution system capable of storing said stored wireless messages].

11. (amended) The wireless messaging system set forth in Claim 10 wherein [said]the message distribution system [requires said subscriber to enter a password prior to transferring]initially transfers only one or more selected fields from one or more selected stored messages within the data record to [said]the subscriber [said one or more selected portions of said at least one of said stored wireless messages]in response to the message retrieval request.

12. (amended) The wireless messaging system set forth in Claim [10]11 wherein [said first I/O interface is capable of receiving a wireless message directed to said subscriber]the message distribution system transfers all of a selected stored message to the subscriber in response to receiving a complete message request from the subscriber requesting all of the selected stored message.

13. (amended) The wireless messaging system set forth in Claim [12]10, wherein the first I/O interface is capable of receiving a wireless message directed to the subscriber, the message distribution system further comprising a second I/O interface capable of sending [said]the received wireless message to an RF transceiver facility operable to transmit [said]the received wireless message to a paging device of [said]the subscriber.

14. (amended) The wireless messaging system set forth in Claim [12]13 further comprising an incoming wireless message controller capable of determining an identity of [said]the subscriber from identification data contained in [said]the received wireless message, wherein the message distribution system requires the subscriber to enter a password prior to transferring to the subscriber the one or more selected portions of the at least one stored wireless message.

15. (amended) The wireless messaging system set forth in Claim 13 wherein [said]the message distribution system is capable of receiving from [said]the RF transceiver facility a response message responsive to a transmission of [said]the received wireless message to [said]the paging device, wherein the response message is stored within the data record associated with the subscriber in association with the received wireless message.

16. (amended) The wireless messaging system set forth in Claim [10]13, wherein, when the wireless message received through the first I/O interface has not yet been successfully delivered to the paging device via the RF transceiver facility and at least one or more selected portions of the received wireless message are transmitted to the subscriber in response to the[said] message retrieval request[is received from a public telephone system], the subscriber may selectively cancel any subsequent attempt to deliver the received wireless message via the RF transceiver facility.

17. (amended) The message distribution system set forth in Claim 10 wherein [said message retrieval request is received from a wide area data network]each wireless message directed to the subscriber is stored in the database after RF transmission of the wireless message for reception by a paging device for the subscriber, regardless of whether the wireless paging device receives the wireless message.

18. (amended) For use in a wireless messaging system, a method for allowing a subscriber of the wireless messaging system to view on a display device stored wireless messages sent to the subscriber comprising the steps of:

receiving a message retrieval request from the subscriber for wireless messages directed to the subscriber;

determining an identity of the subscriber from identification data contained in the message retrieval request;

retrieving a data record associated with the subscriber, the data record containing one or more of the stored wireless messages sent to the subscriber and stored within the data record regardless of whether any of the wireless messages were successfully delivered to a paging device for the subscriber; and

transferring to the subscriber one or more selected portions of at least one of the stored wireless messages.

19. (amended) The method set forth in Claim 18[including the further step of requiring the subscriber to enter a password prior to transferring to the subscriber the one or more selected portions of the at least one stored wireless messages], wherein the step of transferring to the subscriber one or more selected portions of at least one of the stored wireless messages further comprises:

transferring only selected fields from one or more stored wireless messages to the subscriber in response to receiving the message retrieval request.

20. (amended) The method set forth in Claim [18 including the]19, further [steps of]comprising:

receiving from the subscriber a complete message retrieval request for all of a selected stored wireless message; and

in response thereto, transferring to the subscriber all of [a]the selected [one of the at least one] stored wireless [messages]message.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ***dvenglarik@novakov.com***.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Novakov Davis - PageMart Deposit Account No. 50-0302.

Respectfully submitted,

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